



The State of New Hampshire  
*Department of Environmental Services*



Michael P. Nolin  
Commissioner  
December 31, 2003

**COPY**

Cumberland Farms Inc.  
ATTN: Richard Etzold  
777 Dedham Street  
Canton, MA 02021

**NOTICE OF NON-COMPLIANCE and  
PERMIT REVOCATION – NCPR # 03-038**

RE: HOOKSETT, EXXON CFI 70104, EXISTING UNDERGROUND STORAGE TANK  
FACILITY (UST #A-0112902) (DES #199712013)

Dear Mr. Etzold:

The New Hampshire Department of Environmental Services (“DES”) is hereby notifying you that the above-referenced facility, located at 1093 Hooksett Road, Hooksett, NH is not in compliance with New Hampshire Code of Administrative Rules Env-Wm 1401, regulating Underground Storage Facilities. On October 14, 2003 a DES inspector conducted a compliance audit at the facility. A written document, describing the deficiencies was provided to the facility representative. This document required the facility be returned to compliance within 45 days, and DES be notified of the corrective measures taken. Compliance has not been achieved. **Failure to achieve compliance with the following deficiencies within 90 days from the date of this Notice of Non-Compliance and Permit Revocation (“Notice”) will result in revocation of your Permit-to-Operate on March 30, 2004. This letter contains important compliance and procedural information. Please read it carefully.**

Env-Wm 1401.25 Spill Containment and Overfill Protection

Env-Wm 1401.25 requires spill containment devices be installed and maintained in good working order on all UST systems. DES has determined that the required spill containment device for the 12,000-gallon regular gasoline UST was not maintained in good working order. The gasoline must be removed from the spill containment device to enable the device to collect and hold a minimum 5-gallon spill during a product delivery and the drain in the spill device must be replaced. The water in the sump of the 12,000-gallon regular gasoline UST must also be removed.

2 Env-Wm 1401.25 Spill Containment and Overfill Protection

Env-Wm 1401.25 requires overfill protection devices be installed and maintained in good working order on all UST systems. DES has determined that the overfill protection devices for all three gasoline USTs were not installed at the required 90% alert or 95% shut off level. The overfill protection devices shall be installed at the required 90% alert or 95% shut off level.